

EXHIBIT A

STATE OF NORTH CAROLINA

File No.

17 CVS 1303 17 CVS

Moore County

In The General Court Of Justice

☐ District ☒ Superior Court Division

Name Of Plaintiff

Rivercliff Properties, Inc.

Address

City, State, Zip

VERSUS

Name Of Defendant(s)

Certain Underwriters at Lloyd's London Subscribing to Certificate/
Policy Number AVAC084293

CIVIL SUMMONS

☐ ALIAS AND PLURIES SUMMONS (ASSESS FEE)

G.S. 1A-1, Rules 3, 4

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

To Each Of The Defendant(s) Named Below:

Name And Address Of Defendant 1

Certain Underwriters at Lloyd's London Subscribing to Certificate/
Policy Number AVAC084293 c/o Mendes & Mount, LLP
750 Seventh Avenue
New York NY 10019-6829

Name And Address Of Defendant 2

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (If None, Address Of Plaintiff)

T. Dean Amos and Dawn A. Hanzlik-Hexemer

Law Offices of Amos & Kapral

1331 N. Center Street

Hickory

NC 28601

Date Issued

12-5-17

Time

3:56

☐ AM

☐ PM

Signature

[Signature]

☒ Deputy CSC

☐ Assistant CSC

☐ Clerk Of Superior Court

☐ ENDORSEMENT (ASSESS FEE)

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date Of Endorsement

Time

☐ AM

☐ PM

Signature

☐ Deputy CSC

☐ Assistant CSC

☐ Clerk Of Superior Court

NOTE TO PARTIES: Many counties have **MANDATORY ARBITRATION** programs in which most cases where the amount in controversy is \$15,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

STATE OF NORTH CAROLINA

COUNTY OF MOORE

RIVERCLIFF PROPERTIES, INC.,

Plaintiff,

v.

CERTAIN UNDERWRITERS AT
LLOYD'S LONDON SUBSCRIBING TO
CERTIFICATE/POLICY NUMBER
AVAC084293,

Defendant.

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

FILE NO. 17 - CVS - 1303

2017 DEC -5 P 3:57

MOORE CO., C.S.C.

BY

VERIFIED COMPLAINT

NOW COMES the Plaintiff, Rivercliff Properties, Inc. ("Rivercliff Properties"), by and through counsel, and complaining of the Defendant, Certain Underwriters at Lloyd's London Subscribing to Certificate/Policy Number AVAC084293 ("Insurance Company"), alleges, avers, and says:

1. Rivercliff Properties is a North Carolina business corporation with its principal office located in Southern Pines, Moore County, North Carolina and is therefore a resident of Moore County, North Carolina.
2. Plaintiff is informed, believes, and therefore alleges that Insurance Company is an unincorporated syndicate of "members" or "Names" admitted to subscribe to and issue insurance through the international insurance market known as the Society of Lloyd's in London, England, said syndicate has subscribed to certificate/insurance policy number AVAC084293, said certificate/insurance policy was issued in accordance with rules and regulations for non-admitted companies and with the approval of the Insurance Commissioner, State of North Carolina, and said certificate/insurance policy designates and stipulates that Mendes & Mount, LLP will accept service of process at 750 Seventh Avenue, New York, NY 10019-6829.
3. Insurance Company issued to Plaintiff on or about the 3rd day of March, 2015, an insurance policy (denoted by Insurance Company as Certificate/Policy # AVAC084293) (the "Policy") which insured Plaintiff's property at 2764 Rivercliff Road, Fayetteville, North Carolina (the "Property") against fire.
4. Plaintiff paid the premium due on the Policy.
5. The Policy was in force and effect on April 21, 2015 when the Property was destroyed by fire.

6. Plaintiff timely notified Insurance Company of the loss and commenced the claim process pursuant the Policy.
7. By letter dated June 17, 2015, Insurance Company, through its attorneys, acknowledged the claim for the fire loss submitted by Plaintiff under the Policy (the "Claim") and stated that Insurance Company was investigating the Claim under a reservation of Insurance Company's rights under the Policy.
8. At Insurance Company's request, Robert Gore, Jr. of Rivercliff Properties submitted himself to an Examination Under Oath conducted by Insurance Company's counsel on July 14, 2015.
9. By letter dated December 28, 2015, Insurance Company denied the Claim based upon Insurance Company's conclusion that the greater weight of the evidence indicates that the Property was intentionally burned and Plaintiff participated directly or indirectly in its burning.
10. Plaintiff performed all of its duties under the Policy.

FIRST CLAIM FOR RELIEF
(Breach of Contract)

11. The allegations of paragraphs 1-10 are realleged and incorporated by reference as if fully set forth herein.
12. Plaintiff suffered an actual loss of the Property.
13. Insurance Company is obligated to compensate Plaintiff for the Claim.
14. Insurance Company failed and refused to pay the Claim.
15. Plaintiff has suffered monetary damages under the Policy in excess of Twenty-Five Thousand Dollars (\$25,000.00).

PLAINTIFF DEMANDS TRIAL BY JURY AS TO ALL ISSUES SO TRIABLE.

WHEREFORE, Plaintiff prays the Court to award it the full amount of its damages together with interest, costs and attorneys' fees from Insurance Company, and for such other and further relief as the Court deems just and proper.

This the 27th day of November, 2017.

Law Offices of Amos & Kapral, LLP

By: 

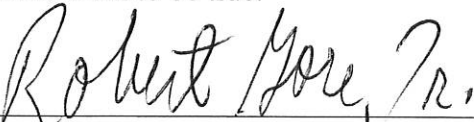
Dawn A. Hanzlik-Hexemer
North Carolina Bar No. 45316
T. Dean Amos
North Carolina Bar No. 14024
Attorneys for Plaintiff
1331 N. Center Street
Hickory, North Carolina 28601
Telephone: (828) 885-3152
Fax: (828) 855-3154

VERIFICATION

STATE OF NORTH CAROLINA

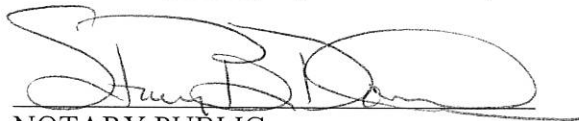
COUNTY OF MOORE

Robert Gore, Jr., first being duly sworn by law, deposes and says that he is the President of Rivercliff Properties, Inc., that he has read the foregoing Verified Complaint, and that the same is true of his own knowledge, except as to those matters and things therein stated or alleged upon information and belief, and as to those, he believes them to be true.



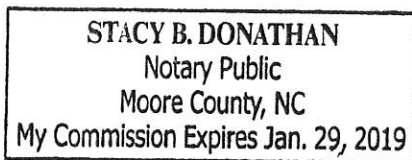
ROBERT GORE, JR., PRESIDENT

SWORN TO AND SUBSCRIBED before
me this the 7th day of November, 2017.



NOTARY PUBLIC

My Commission Expires: 01/29/2019



STATE OF NORTH CAROLINA

COUNTY OF MOORE

Rivercliff Properties, Inc.,

Plaintiff,

v.

Certain Underwriters at Lloyd's LONDON
Subscribing to Certificate/POLICY Number
AVAC084293,

Defendant.

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 17 - CVS - 1303

ACCEPTANCE OF SERVICE

I, KEVIN M. O'BRIEN as attorney for Certain Underwriters at Lloyd's London Subscribing to Certificate/Policy Number AVAC084293 in the above-styled action, do hereby on behalf of Defendant Certain Underwriters at Lloyd's London Subscribing to Certificate/Policy Number AVAC084293 accept service of the Summons and Complaint, and accordingly, Certain Underwriters at Lloyd's London Subscribing to Certificate/Policy Number AVAC084293 do submit to the jurisdiction of the General Court of Justice, Superior Court Division, of Moore County, North Carolina, and know that this acceptance of service constitutes a general appearance in said Court.

However, by entering into this Acceptance of Service, Certain Underwriters at Lloyd's London Subscribing to Certificate/Policy Number AVAC084293 are not intending to and this Acceptance should not be construed as taking any substantive defense, seeking any relief from the General Court of Justice, Superior Court Division in and for Moore County, NC (the "State Superior Court"), and/or submitting any substantive issue to the State Superior Court. Further, by entering into this Acceptance of Service, Certain Underwriters at Lloyd's London Subscribing to Certificate/Policy Number AVAC084293 are not intending to and this Acceptance should not be construed as any intention Underwriters to proceed with litigation in the State Superior Court and/or any other state court. Finally and in connection with the foregoing, by entering into this Acceptance of Service, Certain Underwriters at Lloyd's London Subscribing to Certificate/Policy Number AVAC084293 do not waive any rights, but rather specifically reserve any and all rights including but not limited to any right to remove this action to federal court.

Copies of said pleadings have been delivered to me as counsel for Certain Underwriters at Lloyd's London Subscribing to Certificate/Policy Number AVAC084293 this day and Certain Underwriters at Lloyd's London Subscribing to Certificate/Policy Number AVAC084293 do hereby place themselves under the jurisdiction of said Court.

K: O'Brien

Kevin M. O'Brien, Esq.
Phelps Dunbar, LLP
4140 ParkLake Avenue, Suite 100
Raleigh, NC 27612
(919) 789-5302

SWORN TO AND SUBSCRIBED before me
this 3rd day of January, 2018.

Melissa Johnson
NOTARY PUBLIC - State of North Carolina
My Commission Expires:

